

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAR 25 2010

Stephan Harris, Clerk
Cheyenne

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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

NORMA RENKEN, NORRIS RENKEN,
and CHRISTIANN WALSTON,

Plaintiffs,

vs.

BUILDERS TRANSPORTATION CO., LLC., a
Tennessee limited liability company; SWIFT
TRANSPORTATION CO. INC., an Arizona Corporation;
and BERKUT TRANSPORT INC., an Oregon corporation,

Defendants.

Civil Action No. 10-cv-57-J

COMPLAINT AND JURY DEMAND

JURISDICTION AND VENUE

1. This civil action seeks damages for the personal injuries of Plaintiffs, NORMA RENKEN, NORRIS RENKEN, and CHRISTIANN WALSTON, on March 26, 2006.

2. Plaintiffs NORMA RENKEN, NORRIS RENKEN, and CHRISTIANN WALSTON are all citizens of Phelps County, Nebraska.

3. Defendant Builders Transportation Co., LLC, hereinafter referred to as “Builders Transport,” is a for-profit corporation existing under the laws of a state other than the State of Wyoming with its principal place of business in Tennessee.

4. Defendant Berkut Transport, Inc. is a for-profit corporation existing under the laws of the State of Oregon with its principal place of business in the State of Oregon.

5. Defendant Swift Transportation, Co., Inc. is a for-profit corporation existing under the laws of the State of Arizona with its principal place of business in the State of Arizona.

6. Jurisdiction is based on diversity of citizenship, 28 U.S.C. §1332. The amount in controversy as to each defendant substantially exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. Venue is permissible in this District pursuant to 28 U.S.C. §1391 because the claim arises out of an occurrence in Carbon County, Wyoming.

NEGLIGENCE

7. On Sunday, March 26, 2006, at approximately 2:20 p.m., Plaintiffs NORMA RENKEN, NORRIS RENKEN, AND CHRISTIANN WALSTON were traveling together on Interstate 80 in Carbon County, Wyoming, when the Defendants negligently operated their semi-trailer trucks, proximately causing physical and mental injuries to each of the Plaintiffs.

8. Defendants negligently hired, trained, supervised and retained their drivers, resulting in their being involved in the collisions that underlie this case.

DAMAGES

9. As a direct and proximate result of Defendants negligence, Plaintiff Norma Renken suffered physical and mental injuries resulting in damages for past and future medical expenses; past, present and future physical pain; past, present and future emotional suffering; past, present and future loss of enjoyment of life; and, permanent physical impairment.

10. As a direct and proximate result of Defendants negligence, Plaintiff Norris Renken suffered physical and mental injuries resulting in damages for past and future medical expenses; past, present and future emotional suffering; past, present and future loss of enjoyment of life.

11. As a direct and proximate result of Defendants negligence, Plaintiff Christiann Walston suffered physical and mental injuries resulting in damages for past and future medical expenses; past, present and future emotional suffering; past, present and future loss of enjoyment of life.

12. The misconduct of Defendants Builders Transportation Co, LLC and Berkut Transport, Inc. consisted of willful, unlawful and wanton disregard of the Plaintiffs Norma Renken, Norris Renken, and Christiann Walston's rights and willful and wanton disregard of the consequences of their acts, such that the claimants are each entitled to an award of exemplary

damages in such amounts as will deter Defendants Builders Transport, Berkut and others similarly situated from similar conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against defendants and respectfully request the following relief:

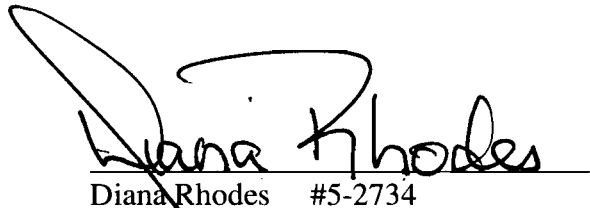
- a. Judgment against defendants in an amount greatly in excess of seventy-five thousand dollars (\$75,000.00), this court's jurisdictional requirement, for compensatory and exemplary damages;
- b. An award for medical expenses incurred by the Plaintiffs, Norma Renken, Norris Renken, and Christiann Walston, past, present and future;
- c. An award for loss of enjoyment of life past, present and future sustained by Plaintiffs, Norma Renken, Norris Renken, and Christiann Walston;
- d. An award for emotional distress sustained by the Plaintiffs, Norma Renken, Norris Renken, and Christiann Walston, past, present and future;
- e. An award for and physical pain and suffering damages sustained by the Plaintiffs, Norma Renken, Norris Renken, and Christiann Walston, past, present and future;
- f. An award for permanent physical impairment sustained by the Plaintiff Norma Renken, past and future.

- g. An award for costs, expert witness fees, reasonable attorney's fees, pre- and post-judgment interest, disbursements and other appropriate and necessary costs of maintaining this action as may be permitted by law; and,
- h. Any further relief as this Court deems just and proper.

JURY DEMAND

Plaintiffs by and through counsel demand a jury of six on all issues so triable in the above captioned matter.

Dated: March 25, 2010.

A handwritten signature in black ink, appearing to read "Diana Rhodes", is written over a horizontal line.

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